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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

RYAN KING,

Defendant.

Case No. 3:18-cr-00011-HDM-WGC

ORDER

On August 2, 2019, the defendant filed a motion to vacate his plea agreement due to new Supreme Court authority. (ECF No. 41). On August 15, 2019, the court appointed the Office of the Federal Public Defender for the District of Nevada to represent defendant for the limited purpose of determining whether there is a basis for the defendant to seek relief under *Rehaif v. United States*, - U.S. -, 139 S. Ct. 2191 (June 21, 2019).

On January 21, 2020, appointed counsel filed a notice indicating that the defendant does not wish to pursue a claim for relief pursuant to *Rehaif*. (ECF No. 46).

Based upon counsel's representation, the FPD is hereby WITHDRAWN as counsel for the defendant. Because the defendant no longer seeks relief pursuant to *Rehaif*, the defendant's motion for relief is deemed withdrawn to the extent it may be construed as seeking relief under *Rehaif*.

1 Because the motion cites additional cases, it is unclear if
2 the defendant would like to withdraw his entire motion or if he
3 would like to proceed on his additional claims. If the court were
4 to construe the motion as arising under § 2255, the defendant would
5 likely be precluded from filing second or successive § 2255 motions
6 related to the instant judgment of conviction in the future. 28
7 U.S.C. § 2255(h). The court will therefore deem the entire motion
8 withdrawn unless, within thirty days of the date of this order,
9 the defendant advises that he would like the court to construe his
10 motion under § 2255 and address all non-*Rehaif* claims contained
11 therein.

12 FPD counsel shall send defendant a copy of this order at his
13 last known address.

14 IT IS SO ORDERED.

15 DATED: This 31st day of March, 2020.

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19 UNITED STATES DISTRICT JUDGE
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